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United States District Court  
Southern District of Texas

U.S. Probation Office  
Houston, Texas



U.S. Department of Justice

Civil Rights Division

Disability Rights Section

FILED

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David J. Bradley, Clerk of Court

**Title II of the Americans with Disabilities Act/  
Section 504 of the Rehabilitation Act of 1973  
Discrimination Complaint Form**

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address on page 3.

Complainant: Retaliation, and cruel and unusual punishment - Gerald Gilbert

Address: 3872 FM 350, S. Polunsky Unit, TDCJ-ID

City, State and Zip Code: LIVINGSTON, Texas 77351

Telephone: Home: \_\_\_\_\_

Business: \_\_\_\_\_

Person Discriminated Against: (if other than the complainant): \_\_\_\_\_

Address: \_\_\_\_\_

City, State, and Zip Code: \_\_\_\_\_

Telephone: Home: \_\_\_\_\_

Business: \_\_\_\_\_

Government, or organization, or institution which you believe has discriminated:

Name: STATE OF TEXAS Texas Department of Criminal Justice

Address: 3872 FM 350, S. Polunsky Unit

County: Polk

City: LIVINGSTON, TX 77351

State and Zip Code: Texas 77351

Telephone Number: 936-967-8082

When did the discrimination occur? Date: 12-11-17-02-12-18 4-25-18-5-31-18

Describe the acts of discrimination providing the name(s) where possible of the individuals who discriminated (use space on page 3 if necessary): The Unit Classifications

Committee composed of: Mark Duff, Jay T. Rummels, and Stephanie L. Seek  
on 2 separate occasions threw me in Administration Segregation (Ad. Seg) in 11 bldg  
(Polunsky Unit's Jail) and subjected me to punishments set up for G4 and G5 offenders.  
because Medical Mrs. Laurie Montgomery reinstated my permanent (OO designation)  
Single Cell only restriction, that was arbitrarily removed by a courtroom

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, or institution?

Yes \_\_\_\_\_ No X

If "yes" what is the status of the grievance? \_\_\_\_\_

Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court?

Yes ✓ No ✗

If "yes":

Agency or Court: U.S. District Court Southern District Houston Division

Contact Person: David S. Bradley Clerk Cause NO. 4:14-cv-02785 et seq

Address: Physical: 515 Rusk St. • P. O. Box 61207

City, State, and Zip Code: Houston, Texas 77208-1207

Telephone Number: 713-250-5500

Date Filed: May 23, 2018

Do you intend to file with another agency or court?

Yes ✓ No \_\_\_\_\_

Agency or Court: \_\_\_\_\_

Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Additional space for answers: Continued from pg 2. non-medical professional employee upon my arrival at Abinsky. Placed in Ad Seg under the pretext of Transient Overflow, or because they didn't know why medical placed a single cell only designator in my medical records. I was subjected to 57 days of torture, with extreme temperatures from freezing to boiling 100° or more. Conditions that at my age of 67 (68 in August) in ill health and physically broken spine disabled could have caused my death. This was done the first time on 12-11-17 through 02-12-18. They are not suppose to have Transient Overflow or Medical Chain in inmates in Ad Seg over 30 day, and they should not be tortured and punished, i.e. handcuffed to take a shower at 7:AM only; handcuffed to go to Medical; served ice cold greasy food on stained trays like a dog; and provided half clean clothing. They placed me in 4E-49B single celled, for approx. 5 weeks in the worst cell on any POD. Next to the door of the adjacent cell and under in E Pod the Sports TV. Constant traffic at the door and loud inmate and TV noise. For some reason I was removed again and thrown in 11 bldg 22 cell. I believe it was due to my exercising my first Amendment right against the Jordan Unit for the illegal search and seizure of all of my purchased receipted registered property. This time for 27 days. When I questioned the U.C. as to why they responded without a signature, GET THE SINGLE cell designator dropped.

Signature: [Signature] #12, 511, minimum custody inmate

Date: 5-25-18

And on Wednesday May 02, 2018 a razor, unlike the 1"x1/4" razors we are given, was left in 22 cell during the Shakedown search while I was locked away in a Shower, so I wouldn't or couldn't see who did it. A razor in 11 bldg is a major disciplinary case. I have not received a Return to: U.S. Department of Justice and have no criminal history, and Civil Rights Division was wrongfully convicted 950 Pennsylvania Avenue, N.W. by prosecutorial misconduct, Disability Rights Section - NYAV to wit: Suppression of exculpatory evidence, and perjured testimony in a unilateral trial. Washington, D.C. 20530

OMB No. 1190-0009 Exp. Date 07/31/2018

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cc: David J. Bradley, Clerk  
U. S. District Court Southern District

## Affidavit of Absent Applicant (Incarcerated individuals)

Under federal law (28 U.S.C. 81746) and state law (V.T.C.A. Civil Practice & Remedies Code, 132.001-132.003), inmates incarcerated in Texas may use an unsworn declaration under penalty of perjury in place of a written declaration, verification, certification, oath, or affidavit sworn before a Notary Public.

I, Gerald E. Gilbert #1336206, being presently incarcerated in Polk County, Texas declare under penalty of perjury that the foregoing is true and correct.

Executed on

25 May

18



Gerald Gilbert  
#1236306 3C-5B  
Belusky Unit  
3072 Pm 350, S.  
Kingsston, TX 77357

LEGAL MAIL  
Special Correspondence

LEGAL MAIL  
SPECIAL CORRESPONDENCE  
31 MAY 2018 PM 7 L  
NORTH HOUSTON TX 773

Mr. David S. Bradley  
U.S. District Court  
P.O. Box 61207  
Houston, TX 77208-1207

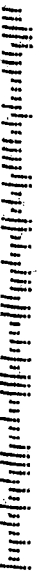
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